

Michigan Commission of Agriculture Meeting
Southwest Michigan Research & Extension Center
Conference Center, 1791 Hillandale Road
Benton Harbor, Michigan 49022

MEETING MINUTES
NOVEMBER 1-2, 2000

PRESENT:

James Maitland, Chair, Commission of Agriculture
Jordan Tatter, Vice-Chair, Commission of Agriculture
Douglas Darling, Commission of Agriculture
Dan Wyant, Director, Michigan Department of Agriculture

ABSENT:

Shirley Skogman, Secretary, Commission of Agriculture
Deanna Stamp, Commission of Agriculture

OTHERS PRESENT *(All or part of the meeting):*

Michigan Department of Agriculture Staff
Ron Zellar, Assistant Attorney General
Denise DeGroot, Michigan Farm Bureau, Kalamazoo, Michigan
Michael Eliasohn, *Herald-Palladium News*, St. Joseph, Michigan
Scott Foster, Seldom Rest Farms, Niles, Michigan
Mark Longstroth, MSU Extension, Paw Paw, Michigan
Lawrence H. Merritt, Merritt Engineering, Stevensville, Michigan
Rodney Winkel, Grandview Orchards, Waterliet, Michigan
Randy Willmeng, Watervliet, Michigan

CALL TO ORDER AND ROLL CALL

Chair Maitland called the meeting of the Commission of Agriculture to order at 1:05 p.m. on Wednesday, November 1, 2000. The roll was called with Director Wyant and all Commissioners present, except for Commissioners Stamp and Skogman.

APPROVAL OF AGENDA

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE NOVEMBER 1-2, 2000 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF SEPTEMBER 13, 2000 MEETING MINUTES

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE SEPTEMBER 13, 2000 MEETING MINUTES AS PRESENTED WITH THE FOLLOWING CORRECTIONS:

Page 2, paragraph 3, line 2, correct sentence to read "A number of County Farm Bureaus

Page 4, paragraph 9, correct second bullet to read "Amendments to Act 189 (Insect Pest and Plant Diseases)

Page 6, paragraph 1, line 11, correct sentence to read "and that any residual product....

SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next regular meeting of the Commission of Agriculture is scheduled for Thursday, December 7, 2000, held in conjunction with the Michigan Farm Bureau Annual Meeting at the Grand Traverse Resort, Traverse City, Michigan.

APPROVAL OF DIRECTOR'S OUT-OF-STATE TRAVEL

MOTION: COMMISSIONER TATTER MOVED TO APPROVE DIRECTOR WYANT'S TRAVEL ON OCTOBER 24-25, 2000, TO ATTEND A MEETING OF THE U.S. ANIMAL HEALTH ASSOCIATION IN BIRMINGHAM, ALABAMA, AND TRAVEL TO CUBA ON NOVEMBER 8-10, 2000, WITH A DELEGATION FROM THE MICHIGAN FARM BUREAU AND THE DRY BEAN INDUSTRY. SECONDED. MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS' COMMENTS

Commissioner Douglas Darling reported that the harvest in his area is moving along, but soybeans are still in the field. The corn harvest has been good. Commissioner Darling reported that he, Director Wyant, Commissioners Tatter and Maitland had a very educational and interesting day with former USDA Secretary Clayton Yeutter.

Commissioner Darling also participated in a Conservation Reserve Enhancement Program (CREP) kickoff with Director Wyant in Monroe. He also represented MDA at a workshop at Cabela's Sporting Goods, sponsored by Congressman Dingell. Commissioner Darling learned of the workshop through his local newspaper. Sportsmen and DNR staff were in attendance, and the discussions dealt with bovine tuberculosis, baiting and feeding issues. He believes that any discussions about bovine tuberculosis should include MDA.

Commissioner Darling attended and judged at the National FFA Convention held in Louisville, Kentucky. He noted that large corporations and agri-businesses did a great job in attracting new employees by offering a tremendous career presentation.

Commissioner Jordan Tatter welcomed the Commission to Southwest Michigan. The area experienced its first widespread frost on October 30, 2000. Apples were done early due to the poor crop, which was about 50 percent of last year's crop in Southwest Michigan, and all vegetables were harvested that had a ready market. Soybeans and corn are behind last year's harvest pace due to later maturity and wet fields, but there are no major harvest problems to date.

Commissioner Tatter participated in the following:

The Edge Food Processing Program held in Kalamazoo, where Bob Craig was a speaker.

The Van Buren County Cooperative Extension Service Council Meeting.

He traveled with Director Wyant, Commissioners Maitland and Darling with Ambassador Yeutter throughout the state.

The Berrien County Farm Bureau annual dinner meeting.

The first meeting of the MSU Vegetable Research and Extension Program Self Study Team on which he has been asked to serve, and led by Dr. Dan Guyer.

A fireblight informational meeting where growers and local extension staff informed State Representative Charlie LaSata and Congressman Fred Upton's legislative aide about the expanding economic impact of the disease on Southwest Michigan apple growers.

The first of the fall/winter series of monthly Michigan Frozen Food Packers Association meetings held at the Southwest Michigan Research and Extension Center.

An informal breakfast session hosted by Congressman Upton where he referenced his involvement in fireblight disaster funding within the USDA budget as recently passed.

The Agricultural Processing Renaissance Zones informational meeting held in Southwest Michigan, along with Chairman Maitland and Alton Wendzel, President of Coloma Frozen Foods.

The dispersion of Plum Pox Virus in Canada has proven to be more extensive than in the U.S. and the disease was apparently established there first. USDA should stop all importation of appropriate Prunus species into the U.S. immediately, and ask its counterparts from Canada to the table to establish a sound science-based plant material trade program instead of non-tariff trade barriers that penalize producers with clean planting materials to sell across our mutual border.

Michigan State University, at the request of Michigan Farm Bureau, is developing a program tentatively entitled, "21st Century Advanced Agricultural Leadership Initiative." This effort will be similar to the Kellogg Farmer Study Program of the mid 60s, early 70s and the Michigan Agricultural Leadership Program of the 80s. Commissioner Tatter suggested that Gale Arent, Associate MSU Extension Director, be invited to an upcoming Commission meeting to provide an overview of the program and to make sure that participants learn about the role that our department plays in its success.

Construction of four natural gas fueled peaking power electrical generating plants is being considered in the Southwest corner of the state. One may be located about one mile southwest of the Southwest Michigan Research and Extension Center. In addition to the economic and social aspects of an electrical generating plant location decision, the impact of emissions of potential air pollutants, resultant crop injury and damage should be part of the decision-making process. It may be appropriate for our department to request Michigan State University to make a literature search dealing with the agronomic aspects of natural gas fueled electrical generation facilities and publish the report for review by all interested parties.

Chair James Maitland reported that the harvest in Northern Michigan was quick and relatively easy. The weather was good for apple harvest, and the area did not experience a heavy frost until last week. Fruit growers in Northern Michigan continue to be concerned about prices for cherries and apples. Chair Maitland participated in the tour with Ambassador Clayton Yeutter and represented MDA at the Northwest Michigan Farm Bureau meeting. He also participated in the Agricultural Processing Renaissance Zones informational meeting held in Kalamazoo, Michigan.

DIRECTOR'S REPORT – Dan Wyant

Director Wyant discussed a number of issues currently facing the department. He highlighted the following:

Michigan State Fair: The fair is approaching a \$1.2 million deficit. The three-week State Fair is profitable, but not the operations and maintenance of the fairgrounds year-round. With the lease agreement that began on October 1, 2000, which includes maintenance, capital improvement requirements and staff, the financial situation will improve. The State of Michigan has lost money on the fair for the last 20 years, except for last year when the state broke even. This reinforces the fact that, given the infrastructure and the challenges of that area, it is very difficult for the state to operate the fairgrounds year-round.

Confined Animal Feeding Operations (CAFO): MDA has held a series of meetings with Michigan Farm Bureau. Director Wyant and Director Russ Harding of the Michigan Department of Environmental Quality participated in editorial meetings held with three state newspapers to discuss CAFO issues.

Conservation Reserve Enhancement Program (CREP): A very successful introduction to the program was held on October 19, 2000, in Monroe and Freeland, Michigan. CREP is a program to implement environmentally-sound practices on agricultural lands to improve water quality and wildlife habitat. It will be initiated in three Michigan watersheds.

UPDATE ON BOVINE TUBERCULOSIS: Dr. H. Michael Chaddock, State Veterinarian, Animal Industry Division

Dr. H. Michael Chaddock, State Veterinarian, Animal Industry Division, said that over the summer he, Director Wyant, Bob Bender, State Bovine Tuberculosis Eradication Coordinator, and Commissioner Darling traveled to Washington, D.C. to meet with USDA and Office of Management and Budget officials. USDA was contemplating using emergency funds for the bovine tuberculosis eradication program. The initial program was that two states (Texas and Michigan) would receive approximately a \$97 million package. However, a \$44 million package was approved by the Administration. The majority of the money will go to Texas for total depopulation of the large dairy herds in the El Paso Milkshed. Michigan will receive approximately \$14 million, which will be used primarily to support the USDA program in Michigan. Dr. Reed McCarty, who is the USDA area veterinarian in charge, is hoping to add at least 40 additional staff. Half of those will be veterinarians working with MDA in the testing of animals; the other half will be support staff. The problem will be locating and hiring that staff.

Dr. Chaddock and Director Wyant attended a U.S. Animal Health Association meeting in Alabama. This is a major national regulatory medical meeting, and offers an opportunity to talk about Michigan's program with other state veterinarians. It also offers the opportunity to discuss importation regulations into their states, while emphasizing the need for science-based and risk-based decision-making.

Director Wyant added that MDA staff did an excellent job in presentations throughout the week. The presentation and visibility for Michigan demonstrated its proactive program. A great deal of positive feedback was received.

Dr. Chaddock reported that the Governor has signed the Animal Industry Act amendments. He provided a brief overview of the amendments:

The amendments will provide for terminal feedlots (terminal operations). This will allow producers to sell their beef calves to a Michigan operation that will not require testing every year. All animals that go to a terminal operation must go to slaughter. The animals that go into these operations will come from farms that have had TB surveillance, either by a whole herd test (animals 12 months of age or older) or from an accredited free herd or individual animal tests.

The Act allows for MDA to create high risk zones (an area where bovine TB has been found in livestock) and potential high risk zones (an area where bovine TB has been found in wildlife only.) MDA is contemplating movement restrictions and testing requirements, as well as allowing the Director to remove the quarantine in Northeast Michigan. It will be a high risk area, but not a quarantined area.

The Act provides the infrastructure needed to create zones. The goal is to continue using that tool, and the most logical case is to zone out the Upper Peninsula. If no bovine TB is found in the U.P. after all of the testing has occurred this winter, and the DNR has completed its winter surveillance of wildlife, the state should be in a position next spring to work with USDA and, hopefully, gain free status for the U.P.

The amendments also create an assistance program for producers, veterinarians, and livestock saleyards.

A new section to the Act reads: *"Beginning on January 1, 2000 (retroactive) with advice and consultation from the livestock industry and the veterinary profession the Director shall pay each producer for assistance approved by the Michigan Commission of Agriculture for whole herd bovine testing as required in the sections, or as required by the Grade A Pasteurized Milk Ordinance."*

This provision would allow MDA to partially compensate livestock producers for their time and labor involved in the testing process. The amount, set by the Commission, would be subject to available appropriated funds and would cover the period since January 1, 2000. The state continues to bear the cost of the testing itself, but this provision provides the farmers some compensation for their time and labor.

Chutes and gates are required on most farms to do TB testing. Some farms have the equipment, but some do not. Private veterinarians have invested in chutes and gates, and under this legislation the Commission could implement a cost share program for that equipment.

Dr. Chaddock distributed and reviewed "Bovine Tuberculosis Program Financial Status" information. Dr. Chaddock and Deborah Laverty of the Finance and Technology Division discussed and answered questions about the program and the projected assistance costs as recommended by the Legislative Advisory Group. The funding requirements cover fiscal year 2001 through fiscal year 2003. The total one-time plus three years of annual assistance expenditures is \$8,902, 500.

Dr. Chaddock again referred to Section 9 of Act 466, which states that the Director may establish high risk areas and potential high risk areas. Notification must be given through the Commission of Agriculture in a newspaper with general circulation in any area designated as a high risk or potential high risk area. Dr. Chaddock recommended that the M-55/I-75 area be designated as a high risk area.

MOTION: COMMISSIONER TATTER MOVED THAT THE DIRECTOR ESTABLISH AN AREA BOUNDED BY I-75 TO THE WEST AND M-55 TO THE SOUTH AND LAKE HURON TO THE EAST AND THE STRAITS OF MACKINAC TO THE NORTH AS A HIGH RISK AREA FOR BOVINE TUBERCULOSIS AS DEFINED IN THE ANIMAL INDUSTRY ACT (PA 466 OF 1988 AS AMENDED). SECONDED.

Discussion: Assistant Attorney General Ronald Zellar recommended that the matter be placed on the December 7, 2000, meeting agenda for discussion.

COMMISSIONER TATTER WITHDREW HIS MOTION.

Dr. Chaddock distributed a copy of the presentation given at the U.S. Animal Health Association meeting in Birmingham, Alabama.

Commissioner Tatter questioned the TB surveillance information provided by Dr. Steve Schmitt of the DNR and the definition of "testing" versus "examination."

After discussion, Dr. Chaddock suggested that Dr. Schmitt be invited to an upcoming Commission meeting to provide an update on TB surveillance.

Director Wyant reported that he would be meeting soon with the State Budget Director to discuss the new Animal Health Diagnostic Laboratory. Architectural drawings and plans have been completed, and the amount budgeted will be more than appropriated. He said that decisions will need to be made on what is actually needed and what can be afforded.

Chair Maitland requested that the Commission review the formal actions taken by the Commission and the Natural Resources Commission as they relate to feeding and baiting.

Director Wyant agreed, and added that it would be beneficial to ask Bob Bender, State Tuberculosis Eradication Coordinator, to the next Commission meeting.

LEGISLATIVE REPORT – Brad Deacon, Legislative Liaison

Brad Deacon, Legislative Liaison, distributed and reviewed the November 2000 Legislative Report. Mr. Deacon highlighted the following legislative activity:

SB1273 (Organics Standards) PA 316 of 2000, became effective 10/01/2000. It establishes organic standards and regulations.

SB1340 (Value-Added) PA 322 of 2000, has immediate effect. It provides for value-added programs for agriculture processing.

HB5967 (Bean Commission) revises procedures for electing members. The bill is on second reading on the House floor.

SB1339 (TB Eradication) amends PA 466 to provide for TB eradication efforts. Dr. Chaddock discussed the amendments to the Animal Industry Act during his report.

**UPDATE ON EPA'S TOTAL MAXIMUM DAILY LOAD PROGRAM – Mark Swartz,
Environmental Stewardship Division**

Mark Swartz of the Environmental Stewardship Division distributed and reviewed information regarding the Environmental Protection Agency (EPA) Total Maximum Daily Load (TMDL) program. The U.S. EPA has issued a final rule to improve the national program for identifying polluted waters, determining the sources of pollution, and designing cleanup plans. The program is the framework for working with the states to clean up polluted waterways; the new rule is designed to provide a process for cleaning up polluted waters.

Mr. Swartz explained that the final TMDL rule has potential impacts on agriculture. The TMDL component of the Clean Water Act has four major parts.

Under the Act the Department of Environmental Quality provides a list of state water bodies that do not meet designated uses. For the point sources discharging into those water bodies, there is the National Pollutant Discharge Elimination System, which involves a permit process. There are also state Section 319 programs designed to handle the non-point sources. The fourth part is the TMDL program. TMDL is a method for allocating allowable discharges into waters that do not meet standards. TMDL is based on allowable contaminant concentrations and flow or volume of water.

Mr. Swartz said that there has been an increased interest in the establishment of TMDL, even though it has been in the law since 1972. EPA began additional action because of 40 lawsuits filed in 35 states for not fully implementing the TMDL component of the Clean Water Act. As a result, EPA has developed new rules to help clarify timelines and responsibilities. States have been given a deadline for completing the development of these standards and for including language to tie the non-point sources into the program. Those non-point sources must be included in the implementation plan to ensure that those water bodies do meet the designated uses at the end of 15 years. There are differences of opinion as to the use of the TMDL allocation method to address the non-point sources.

There is concern about additional regulations as they relate to agriculture. The rules require that there be reasonable assurances that non-point sources' load allocations be met within a TMDL program. There is a question of what "reasonable assurance" actually means. There are also agricultural concerns relating to flexibility. Mr. Swartz stated that this does have the potential to apply to Michigan, since there are currently 328 water bodies that do not meet designated uses. Most of these areas are located below the Mason to Arenac tier of counties. The Great Lakes and inland lakes are also included because of fish consumption advisories for mercury. Mr. Swartz indicated that there has been Congressional opposition to the rule.

Mr. Swartz said that the Environmental Stewardship Division would continue to monitor the TMDL rule implementation for the potential impacts on agriculture. It will also continue to be involved in the Water Quality Monitoring Evaluation and the TMDL Discharge Allocation process.

Director Wyant stated that he believes that agriculture will be severely impacted if things continue as they have under the current federal administration. EPA has been sued by environmental groups to force a negotiation between environmental groups and EPA and to impose rules on the states and farms to mandate practices. CAFO is one of the issues. Michigan has said it would not issue National Pollutant Discharge Elimination System (NPDES) permits.

APPROVAL TO INITIATE REVIEW PROCESS FOR THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL: Marvin Johansen, Environmental Stewardship Division

Marvin Johansen of the Environmental Stewardship Division presented the Generally Accepted Agricultural and Management Practices for Pesticide Utilization and Pest Control. He recommended that the Commission Chair send a letter to the task force chair Dr. Larry Olsen to begin the annual review process.

MOTION: COMMISSIONER DARLING MOVED TO INITIATE THE REVIEW PROCESS FOR THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL. SECONDED. MOTION CARRIED UNANIMOUSLY.

INITIAL SUBMISSION OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION: Marvin Johansen, Environmental Stewardship Division

Marvin Johansen of the Environmental Stewardship Division reviewed proposed changes to the Generally Accepted Agricultural and Management Practices for Nutrient Utilization.

MOTION: COMMISSIONER DARLING MOVED TO RECEIVE THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION AND MAKE IT AVAILABLE FOR PUBLIC COMMENT. SECONDED. MOTION CARRIED UNANIMOUSLY.

INITIAL SUBMISSION OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR MANURE MANAGEMENT AND UTILIZATION: Marvin Johansen, Environmental Stewardship Division

Marvin Johansen of the Environmental Stewardship Division reviewed the proposed changes to the Generally Accepted Agricultural and Management Practices for Manure Management and Utilization.

Commissioner Tatter recommended a change to page 20, item 8, line 2, to remove the word "direct" and begin the sentence with the word "discharge." Mr. Johansen will suggest the recommended change to the task force chair for consideration.

MOTION: COMMISSIONER TATTER MOVED TO RECEIVE THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR MANURE AND UTILIZATION AND MAKE IT AVAILABLE FOR PUBLIC COMMENT. SECONDED. MOTION CARRIED UNANIMOUSLY.

Mr. Charney stated that a public meeting to receive comment on these GAAMPS would be held on November 16, 2000, in Lansing, Michigan. A public notice will be issued.

APPROVAL TO REFER RIGHT TO FARM FILES: Marvin Johansen, Environmental Stewardship Division

Marvin Johansen of the Environmental Stewardship Division reviewed a Right to Farm complaint received against Mr. William Clous of Kingsley, Michigan. The complaint involves manure mismanagement at Mr. Kingsley's beef feedlot facility. MDA has been working with the owner to resolve the environmental problem at his beef feedlot facility. To date, MDA has not been able to verify a significant effort on Mr. Clous' part to correct the manure mismanagement problems at the facility.

Mr. Johansen is recommending that Chair Maitland accompany MDA staff to visit the farmer and discuss the problem. Chair Maitland agreed and signed a letter to Mr. Clous advising him that such a meeting would be scheduled.

APPROVAL OF FORMULA FOR THE DISTRIBUTION OF GRANTS TO LOCAL CONSERVATION DISTRICTS: Vicki Pontz-Teachout, Environmental Stewardship Division

Vicki Pontz-Teachout, director of the Environmental Stewardship Division, reviewed and recommended approval of the proposed Conservation District Funding Formula.

MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE FORMULA FOR THE DISTRIBUTION OF GRANTS TO LOCAL CONSERVATION DISTRICTS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF GROWN IN MICHIGAN GRANTS: Kathleen Kissman, Marketing and Communications Division

Kathleen Kissman, director of the Marketing and Communications Division, reviewed and recommended approval of the Grown in Michigan Matching Grant Recommendations for Fiscal Year 2001.

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE GROWN IN MICHIGAN MATCHING GRANT RECOMMENDATIONS FOR FISCAL YEAR 2001 AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

UPDATE ON MDA REGIONAL ACTIVITIES: Mike Hansen, MDA Region V Manager

Mike Hansen, MDA Region V Manager, distributed and reviewed information summarizing MDA regional activities. Mr. Hansen provided a brief overview of regional activities in the Animal Industry Division, Food and Dairy Division, Environmental Stewardship Division, Benton Harbor Market News, Laboratory, and the Pesticide and Plant Pest Management Division. Mr. Hansen recognized and commended the hard work and dedication of the regional administrative support and other MDA staff within the region.

UPDATE ON ORCHARD REMOVAL PROGRAM: Kenneth Rauscher, Pesticide and Plant Pest Management Division

Kenneth Rauscher, director of the Pesticide and Plant Pest Management Division, provided an overview of MDA's orchard removal program. He also distributed and reviewed the department's proposed Orchard/Vineyard Removal—Decision Criteria.

Mr. Rauscher discussed concerns about the current orchard removal program. In order to address some of these concerns, the Pesticide and Plant Pest Management Division is proposing the adoption of Orchard/Vineyard Removal—Decision Criteria.

Commissioner Tatter referred to the criteria, *"property owner agrees not to put land back into fruit production for five years."* He asked if this statement is contrary to the concept of preserving farmland and would it force a farmer to produce some other crop that may or may not be in overproduction.

Mr. Rauscher explained the restriction would provide parameters so the program is not used only as a tool to have land cleared for replanting at no cost to the owner.

Commissioner Tatter referred to the criteria, *"if no resources available for orchard/vineyard(s) removal...."* He asked how and if MDA would have the authority to determine an owner's available resources.

Mr. Rauscher replied that the referral to "resources" pertains to MDA budgetary and staff constraints.

Chair Maitland believes that the department does have the authority to remove an abandoned orchard, regardless of available resources, and especially if the owner has the ability to pay for the removal but they are not managing it properly. The costs of removal could be charged back to the owner in the form of a property lien if not paid by the owner.

Commissioner Tatter agreed, and added that removal should not be determined only on a person's ability to pay.

Director Wyant noted that even if the State of Michigan places a lien on the property, the problem of the abandoned orchard still exists. There are still trees causing problems to neighboring properties. Historically, there have not been the monetary resources available to do the needed orchard removal. The issue of placing a lien on a property should be reviewed from a legal standpoint. The State of Michigan also should not be in the position of removing trees, then allowing the property to be redeveloped without repayment of the removal costs.

Chair Maitland believes that when an owner has the ability to pay for removal costs, and does not pay, those costs should be added to the property as a lien. MDA is removing these orchards for disease prevention, not for property enhancement. He again referred to the proposed criteria and believes that it is not necessary to have an advisory group to review the proposed removal plan and make recommendations to the department. The issue should always be reviewed with the local county extension agent, regardless of the size of the property.

Commissioner Tatter agreed that he sees no need for an advisory committee. He asked how aggressive the department has been in pursuing these problems.

Mr. Rauscher replied that the state has been hindered in orchard removal because of the limited monetary resources.

Chair Maitland asked that the revisions to the decision criteria be reviewed by the Assistant Attorney General and then brought back to the Commission at its December meeting.

Fireblight Update:

Mr. Rauscher also distributed and reviewed a July 25, 2000 memorandum regarding Apple/Pear Losses—Cost of Removal—Southwest Michigan, USDA Emergency Loan Assistance. The information indicates that as a result of fireblight there are about 1,600 acres of apple and pear trees that need to be removed in Southwest Michigan. Mark Longstroth of MSU Extension provided the information, indicating that the estimate is probably low. The total removal cost is estimated at \$517,500, which would not include replacement costs.

Mr. Rauscher explained that there are three assistance programs available to farmers because of the fireblight disaster. First, an appropriations bill that was introduced by Congressional legislators requesting relief funding was passed on October 18, 2000, and signed by the President. The legislation provides \$38 million in disaster relief nationwide for 1999 and 2000 for potato and apple growers. It has not been determined how much of those funds would come directly to Michigan, or how those funds would be distributed. The money would, however, be distributed through the Farm Service Agency. There is nothing in the legislation that specifically identifies tree removal or replacement.

Second, is the Emergency Loan Assistance program. To qualify, growers must have suffered at least a 30 percent loss, must have been turned down by a commercial credit agency, and must show collateral. Because of these limitations, many growers have opted not to use the program. The program does allow for tree replacement and other production costs, and is administered by the Farm Service Agency.

The third program is MDA's orchard removal funds. There is \$40,000 appropriated in the department's budget this year for tree removal. However, as outlined in the July 25 memo, the total estimated removal and disposal costs are over \$500,000.

Director Wyant explained that the \$40,000 was appropriated prior to the fireblight disaster and was not, therefore, earmarked for the problem. MDA has asked for additional funds to assist with the fireblight disaster in Southwest Michigan.

Commissioner Tatter said that Representative LaSata has provided MDA with an historical review of outdated legislation that utilized state funds to make low-interest loans for these types of emergencies through traditional lending agencies.

Director Wyant noted that in 1986 and 1987 Michigan experienced back-to-back years of statewide drought and flood. There was a common cash fund used. Banks were given the money to lend for a period of 10 years at no interest. The money was repaid to the state by the banks. The program was amended a second time to be used only for specific weather related losses. Currently, the Governor and the Legislature have not supported this type of a program, unless there is a statewide loss.

Chair Maitland asked for public comment concerning the orchard removal and fireblight issues.

PUBLIC COMMENT:

Randy Willmeng is a grower in Southwest Michigan where he farms 450 acres. On three sides of his property, there are abandoned orchards of 80, 30, and 40 acres. The state is full of abandoned orchards and the Integrated Pest Management program, therefore, does not work as it should. The farmer is losing pesticides every year and is having difficulty delivering good produce to markets. Mr. Willmeng agrees that placing a lien on the property for orchard removal is the right way to proceed if the property owners won't pay.

He distributed a copy of information prepared by Dr. Mark Longstroth, MSU District Extension Agent for the Southwest Region, that gives a good description of the fireblight problem in Southwest Michigan. These projections were made in mid summer, and since then many orchards that were believed to have survived the disease are now dying. The five-year loss Dr. Longstroth estimated was at \$42 million, but it will be much higher. Almost all of the dwarfing rootstocks and high density plantings are gone. Mr. Willmeng said he has removed 15 acres, and he will probably lose 50 percent of his crop next year because of no growth. The only hope is to have a dry, cool spring.

Mr. Willmeng said that this problem not only affects the farmer, but it affects processors, truckers, etc. He said that he did take advantage of the loan programs offered in 1987 and 1988. He said that the problem facing farmers at that time is nothing close to what farmers in Southwest Michigan are facing today.

Rodney Winkel is also a farmer in Southwest Michigan. He said that the Farm Service Agency visited Southwest Michigan recently and certified 42,478 of his trees with fireblight, approximately one-tenth of the total number estimated in the area. The estimates, while accurate at the time, are no where near accurate when you look at the severity of the issue. Trees that were harvested in September were thought to be alright, but now 95 percent are dead.

Commissioner Tatter asked Mr. Winkel what it would cost to re-establish his orchards.

Mr. Winkel said at least \$3,500 to \$4,500 per acre. There are 11 men, working eight hours a day, just removing posts. These are high-density orchards. He said they are trying several different systems of post removal. The problem appeared much worse after harvest.

Commissioner Tatter noted that one of the problems could be that trees will not be available in the spring because of high demand. Also, the farmer may not have the resources available to purchase trees, and then the question becomes what variety does the farmer have confidence in planting.

Mr. Winkel agreed that it is a big risk, and that is why he would like to see the federal Tree Assistance Program (TAP) again available. The program would give farmers the money now and then they could put orders in to the nurseries, then have three years to honor the commitment. This would be of tremendous benefit to the area. There are 46,000 to 48,000 dead trees on his farm as we speak today. The magnitude is horrible to one grower, much less the entire area. It not only affects the growers, it affects labor, truckers, fresh packers, frozen foods, and other apple processors, storage operators, etc.

Larry Merritt is a consulting engineer in Stevensville, Michigan. He has been assigned to over 400 county drains, some intercounty, which are under the jurisdiction of MDA. Mr. Merritt's firm has been involved in the Mill Creek project located in the St.

Clair/Lapeer area. This is a controversial project located on the opposite side of the state. This project has been involved in litigation for over 10 years. His firm has been involved because of the interest of one of the drain commissioners in trying to pursue something other than dredging the existing creek. This had been tried before and flooding occurred. The farm interests want improved drainage, but the \$4 million price tag is a big concern. His firm has worked with another consultant, who has a technique of river restoration. A compromise was reached that the river restoration project would proceed on the lower 15 miles. The upper two miles would receive regular conventional dredging. On June 1, 2001, the South Branch of Mill Creek Intercounty Drainage Board will evaluate the effectiveness of the river restoration project and determine what additional work needs to be done.

Mr. Merritt said that this week he received a copy of the annual report of the Mill Creek Volunteer Monitoring Project, dated October 2000. The documentation was started through Michigan Department of Environmental Quality funding. He has talked with people in the area about their environmental concerns. Many people want to keep the creeks natural. They can be improved hydraulically by different methods. Mr. Merritt thanked the Director for getting involved and helping with the compromise.

Director Wyant asked if they still wanted to fully dredge.

Mr. Merritt replied that they did not want to fully dredge, but he believes that everyone will want to revisit the issue in a year or so.

Director Wyant said there are many farmers in the area that are quite concerned about the flooding and maintenance challenges. Drains have not been properly maintained, which has compounded the problem.

Commissioner Tatter asked if Mr. Merritt and his associates could form a committee to develop documentation to make the comparative case for this type of restoration.

Mr. Merritt said there is a lack of information available, and he was glad to see the annual report that came out of DEQ. More of that data needs to be collected, but there is a question of who would collect it and pay for it.

APPROVAL OF COMMISSION AWARD OF EXCELLENCE: Dave Charney, Commission Liaison

Dave Charney, Commission Liaison, presented a proposal recommending the Commission Award of Excellence be awarded to the Plum Pox Virus Survey Team.

MOTION: COMMISSIONER DARLING MOVED TO AWARD THE COMMISSION AWARD OF EXCELLENCE TO THE PLUM POX VIRUS SURVEY TEAM AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF THE 2001 COMMISSION OF AGRICULTURE MEETING SCHEDULED: Dave Charney, Commission Liaison

Dave Charney, Commission Liaison, presented the proposed 2001 Commission of Agriculture Meeting Schedule.

Chair Maitland recommended reviewing the schedule at the December Commission meeting to allow Commissioners Stamp and Skogman to participate in the discussion.

ADJOURN

The meeting adjourned at 5:25 p.m. on November 1, 2000.

On November 2, 2000, the Commission participated in migrant labor facilities tours (Brookside Nursery in St. Joseph, Greg Prillwitz facility in Eau Claire, Mark Koebel facility in Berrien Springs, and the Telemon Corporation in Watervliet). They also visited Rodney Winkel's orchards to observe fireblight damage to high density apple plantings. The Commission also toured Hilltop Nurseries and the Kropf Fruit Company.

ATTACHMENTS:

The following documentation is on file in the Commission of Agriculture office and is available upon request:

Attachment A	Commission of Agriculture September 13, 2000 Meeting Minutes
Attachment B	Director's Report – November 2000
Attachment C	Bovine Tuberculosis Program Financial Status
Attachment D	Bovine Tuberculosis MDA Presentation to U. S. Animal Health Association
Attachment E	Legislative Report – November 2000
Attachment F	Information Regarding the Environmental Protection Agency (EPA) Total Maximum Daily Load Program (TMDL)
Attachment G	Generally Accepted Agricultural and Management Practices for Pesticide Utilization and Pest Control - Letter to Task Force Chair Dr. Larry Olsen
Attachment H	Generally Accepted Agricultural and Management Practices for Nutrient Utilization
Attachment I	Generally Accepted Agricultural and Management Practices for Manure Management and Utilization
Attachment J	Letter to Mr. William Clous, Kingsley, Michigan (Right to Farm)
Attachment K	Formula for the Distribution of Grants to Local Conservation Districts
Attachment L	Grown in Michigan Grants – Fiscal Year 2001
Attachment M	Information Regarding MDA Region V Activities
Attachment N	Proposed Orchard/Vineyard Removal—Decision Criteria
Attachment O	Memorandum dated July 25, 2000 Regarding Apple/Pear Losses—Cost of Removal—Southwest Michigan, USDA Emergency Loan Assistance
Attachment P	Information Regarding Fireblight Problem in Southwest Michigan
Attachment Q	Commission Award of Excellence – Plum Pox Virus Survey
Attachment R	Proposed 2001 Commission of Agriculture Meeting Schedule